



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **October 5, 2022** which reads as follows:*

“JIB FPI No. 21-047-P (*Anonymous v. Rizalino B. Pontejos, Process Server, Branch 90, Regional Trial Court, Dasmariñas, Cavite*)”. – This refers to the Report and Recommendation¹ dated 30 March 2022 of the Judicial Integrity Board (JIB) on the Anonymous Complaint² dated 02 November 2020 against respondent Rizalino B. Pontejos, a process server of Branch 90, Regional Trial Court (RTC)- Dasmariñas City, Cavite, as to the alleged violation of Republic Act No. (RA) 6713.³

Antecedents

The anonymous complaint alleges *inter alia* that complainant is a party in a case pending in the RTC where respondent works as a process server. While attending the hearing of her case, complainant observed that respondent was very close to the adverse party. Sometime in 2019 after the hearing, the opposing party went to the office of respondent where complainant saw them laughing. During the next hearing, complainant’s companion noticed that respondent handed a “file folder” of a case to the opposing party.⁴

In its 1st Indorsement dated 09 December 2020,⁵ the Office of the Court Administrator (OCA) referred the anonymous complaint to Executive Judge Francisco Victor L. Collado, Jr. (EJ Collado, Jr.), of RTC-Dasmariñas, Cavite, for discreet investigation and report.

¹ *Rollo*, pp. 23-27.

² *Id.* at 13.

³ Entitled “AN ACT ESTABLISHING A CODE OF CONDUCT AND ETHICAL STANDARDS FOR PUBLIC OFFICIAL AND EMPLOYEES, TO UPHOLD THE TIME-HONORED PRINCIPLE OF PUBLIC OFFICE BEING A PUBLIC TRUST, GRANTING INCENTIVES AND REWARDS FOR EXEMPLARY SERVICE, ENUMERATING PROHIBITED ACTS AND TRANSACTIONS AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF AND FOR OTHER PURPOSES” Approved: 20 February 1989.

⁴ *Rollo*, p. 23.

⁵ *Id.* at 5.

In a Letter dated 15 March 2021,⁶ EJ Collado, Jr., reported to then court Administrator, Jose Midas P. Marquez (now a Member of this Court), his findings stating that he cannot yet conclude that respondent is guilty of any wrongdoing or irregularity in the performance of his duties, thus:

Mr. Rizalino Rinaldi B. Pontejos had been working with this court as Process Server for a period of 24 years. He was appointed as such in 1997. Due to lack of office personnel and in an effort to expedite all the work in this sala, when not doing his regular duty of serving court processes, Mr. Pontejos was also given the additional task of assisting walk-in litigants who may have queries regarding the status of their cases, and transacting public with respect to request for clearances. In fact, in order to limit the entry of litigants inside this sala after the outbreak of Covid 19 pandemic in 2020, Mr. Pontejos was assigned with the same duty on a rotation basis at a front desk placed at the main entrance of Dasmariñas Cable (DASCA) Buidling where this court holds office. He was also tasked to assist litigants in alternately entering the courtroom during court hearings. Thus, necessarily, Mr. Pontejos had to entertain and talk to litigants and the transacting public as the need arises.

After a discreet investigation of Mr. Pontejos' daily activities in connection with his given additional task, however, the undersigned has not personally observed or his attention being called upon of any such wrongdoing or irregularity done by Mr. Pontejos. Hence, as of this moment, it could not as yet be concluded that he is guilty of any wrongdoing or irregularity in the performance of his duty.

Be that as it may, the undersigned hereby undertakes to inform the Honorable Court Administrator should Mr. Pontejos be later found out to be involved in any wrongdoing or irregularity in the performance of his regular and additional duties.⁷

On 25 May 2021, the OCA referred the Discreet Investigation and Report of EJ Collado, Jr., to the Office of the General Counsel (OGC).⁸

Report and Recommendation of the OGC

In his Report and Recommendation⁹ dated 08 November 2021, General Counsel (GC) Romulo A. Paras, Jr., recommended that the anonymous complaint against respondent be dismissed and that the case be considered closed and terminated.

In recommending the dismissal of the anonymous complaint, the GC found that the same failed to state respondent's acts or omissions that would constitute a violation of the ethical rules for court personnel. According to the GC, the allegations that respondent shared a laugh with and handing over a file folder to the opposing party do not state any administrative offense on the part of respondent. And even if it the said allegations were true, laughing

⁶ Id. at 3-4

⁷ Id. at 9

⁸ Id. at 6.

⁹ Id. at 20-22

along with a party to a court proceeding is not an administrative offense. As to the second allegation, the report of EJ Collado, Jr. sufficiently explained why respondent may have handed a file folder to the opposing party. Further, such account of the incident is merely hearsay having only been told to the complainant.¹⁰

Report and Recommendation of the JIB

In its Report and Recommendation¹¹ dated 30 March 2022, the JIB adopted the Report and Recommendation of the OGC and recommended that the anonymous complaint be dismissed for lack of merit.

The case was thereafter transmitted to this Court.

Ruling of the Court

We agree with and adopt the JIB's Report and Recommendation. The anonymous complaint failed to comply with the requisites of a valid complaint as stated in Section 2, Rule V of the Internal Rules of the JIB, which provides:

SECTION 2. Requisites of a Valid Complaint. — A verified complaint or an anonymous complaint shall be in writing and shall state clearly and concisely the acts and omissions constituting an administrative offense under Rule 140 of the Rules of Court, as amended, for Justices and Judges and court officials and employees; or violations of the standards of conduct prescribed in the Rules of Court, as amended, the Canons of Judicial Ethics, the Code of Judicial Conduct, the New Code of Judicial Conduct for the Philippine Judiciary, and other applicable Supreme Court issuances for Justices and Judges; and violations of the Code of Conduct for Court Personnel and other applicable Supreme Court issuances and of the Civil Service Laws and Rules for court officials and employees.

Upon perusal of the allegations lodged against respondent, We find that respondent's acts of laughing along with complainant's opposing party in one instance, and handing over a file folder to the opposing party in another instance, do not constitute any violation of the ethical rules for court personnel. According to EJ Collado, Jr., due to lack of office personnel and in an effort to expedite all the work in his sala, respondent is given additional tasks when not doing his regular duty of serving court processes. Said tasks include: 1) assisting walk-in litigants who may have queries regarding the status of their case; 2) transacting with the public relative to their request for clearances; and 3) assisting litigants in alternately entering the courtroom during court hearings, among others. Inevitably, such

¹⁰ Id. at 22

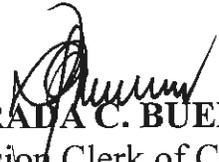
¹¹ Id. at 23-27. Penned by Vice Chairperson Justice Angelina Sandoval-Gutierrez (Ret.) and concurred in by Chairperson Justice Romeo J. Callejo, Sr. (Ret), Justice Sesinando E. Villon (Ret.), and Justice Rodolfo A. Ponferrada (Ret.).

additional duties given to respondent entails him to entertain and talk to litigants. Moreover, after conducting a discreet investigation upon respondent's daily activities, EJ Collado, Jr., has not observed any wrongdoing or irregularity done by the latter in the performance of his regular and additional duties.¹²

WHEREFORE, the Court **RESOLVES** to **ADOPT** and **APPROVE** the findings of fact, conclusions of law, and recommendation of the Judicial Integrity Board in the attached Report and Recommendation dated 30 March 2022. Accordingly, the anonymous complaint against respondent process server, Rizalino B. Pontejos of Branch 90, Regional Trial Court, Dasmariñas, Cavite, is **DISMISSED** for lack of merit.

SO ORDERED.” *Marquez, J., no part; Inting, J., designated as additional Member per Raffle dated 02 August 2022. Inting, J., on official business.*

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court *SM*

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court
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Court Administrator
Hon. Jenny Lind R. Aldecoa-Delorino (x)
Hon. Leo Tolentino Madrazo (x)
Deputy Court Administrators
Hon. Lilian Barribal-Co (x)
Hon. Maria Regina A. F. M. Ignacio (x)
Assistant Court Administrators
OCA, Supreme Court

Office of Administrative Services (x)
Legal Office (x)
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Financial Management Office (x)
Docket & Clearance Division (x)
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¹² Id. at 8-9.

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